



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,080	08/28/2001	Dmitriy V. Yepishin	CLICP015	6166

28875 7590 12/17/2004

Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER

TRAN, PHILIP B

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,080

Applicant(s)

YEPISHIN ET AL.

Examiner

Philip B Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/28/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/02 and 06/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 23 is objected to because of the following informalities:

In claim 23, line 4, the phrase "identifying anelement" should be "identifying an element". Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 9, 21 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are directed to non-statutory subject matter because it lacks a computer readable medium and thus a program product comprised of machine-executable instructions (computer code) per se is not tangibly embodied.

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rosin et al (Hereafter, Rosin), U.S. Pat. No. 6,072,483.

Regarding claim 1, Rosin teaches a method for replaying a pattern for transitioning from one state to another state, comprising:

(a) receiving a request to transition from a current state in a pattern to a new state, (b) retrieving information about transitioning from the current state to the new state from the pattern [see Col. 1, Lines 37-46];

(c) evaluating scripting code of the current state, (d) executing an action using the scripting code for effecting the transition from the current state to the new state, (e) producing an output from a state, and (f) sending the output to a user device [see Col. 6, Line 50 to Col. 7, Line 20 and Col. 8, Lines 33-41].

Regarding claims 2-3, Rosin further teaches the method as recited in claim 1, wherein the action is executed by communicating with a connector for executing the action wherein each type of state has a dedicated connector (= links) [see Col. 1, Lines 30-36].

Regarding claim 4, Rosin further teaches the method as recited in claim 1, wherein output from some of the states is generated for display on the user device [see Fig. 1].

Regarding claim 5, Rosin further teaches the method as recited in claim 1, further comprising initiating a further state transition [see Col. 8, Lines 25-40].

Regarding claims 6-7, Rosin further teaches the method as recited in claim 1, wherein a history of states in the pattern that has been traversed is maintained wherein a state traversed out of a recorded sequence is detected [see Col. 6, Lines 50-63].

Regarding claim 8, Rosin further teaches the method as recited in claim 1, wherein a user is allowed to navigate backwards through at least a portion of the pattern [see Col. 7, Lines 30-35].

Claims 9-11 are rejected under the same rationale set forth above to claim 1.

Claims 12-14 are rejected under the same rationale set forth above to claims 2-4, respectively.

Regarding claim 15, Rosin further teaches the method as recited in claim 14, wherein an instruction as to which action to execute is received from a client device of the user [see Col. 1, Lines 37-46].

Claims 16-19 are rejected under the same rationale set forth above to claims 5-8.

Regarding claim 20, Rosin further teaches the method as recited in claim 11, wherein the action is executed by a script [see Col. 1, Lines 37-46].

Claims 21-22 are rejected under the same rationale set forth above to claim 1.

Regarding claim 23, Rosin teaches a method for replaying a dynamic event, comprising:

(a) hosting a web browser, (b) rendering a web page of a network site using the web browser, (c) identifying an element with pre-specified properties on the rendered web page [see Col. 1, Lines 37-46];

(d) executing an action on the identified element based on a prerecorded pattern, and (e) outputting a web page resulting from execution of the action [see Col. 3, Lines 15-34].

Claims 24-25 are rejected under the same rationale set forth above to claim 23.

Claim 26 is rejected under the same rationale set forth above to claim 1.

Claims 27 is rejected under the same rationale set forth above to combination of claims 1-3, 6 and 8.

Other References Cited

6. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) DaCosta et al, U.S. Pat. No. 6,826,553.

B) Miller et al, U.S. Pat. Application Pub. No. US 2002/0143808 A1.

C) Lee et al, U.S. Pat. Application Pub. No. US 2002/0087327 A1.

D) Keswa, U.S. Pat. Application Pub. No. US 2004/0205614 A1.

7. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (571) 272-3978.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Philip Tran
Philip B. Tran
Art Unit 2155
December 07, 2004